

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re	)	
	)	Case No. 09-43138
Michael and Janet Estes,	)	Chapter 13
	)	
Debtor(s).	)	<b>Motion to Retain Settlement</b>
	)	<b>Proceeds</b>
	)	
	)	Susan E. Skelton
	)	Attorney for Debtors
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	)	St. Louis, MO 63139
	)	Phone: (314) 802-8328
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John V. LaBarge,	)	
Chapter 13 Trustee,	)	Hearing Date: 9/26/13, 11 AM, 7N
	)	
Respondents.	)	Response Due: September 18, 2013

**MOTION TO RETAIN SETTLEMENT PROCEEDS**

**PLEASE TAKE NOTICE: ANY RESPONSIVE PLEADING IN OPPOSITION TO THIS MOTION/PLEADING MUST BE FILED IN WRITING NO LATER THAN TWENTY – ONE (21) DAYS FROM THE DATE OF SERVICE OF THIS MOTION/PLEADING AS SHOWN ON THE CERTIFICATE OF SERVICE (See L.B.R. 9013-1 B, 9061-1 B). THE RESPONSE MUST BE IMMEDIATELY SERVED UPON THE UNDERSIGNED AND UPON ALL ENTITIES DESCRIBED IN L.B.R. 9013-1 A. THE COURT MAY GRANT THE MOTION/PLEADING WITHOUT FURTHER NOTICE TO ANY PARTY UPON EXPIRATION OF THE RESPONSE PERIOD IF NO RESPONSE IS FILED.**

**IF A RESPONSE OR OBJECTION IS FILED, THE MOVANT, APPLICANT OR CLAIM OBJECTOR SHALL SET THE MATTER FOR HEARING AND PROVIDE NOTICE THEREOF TO THE RESPONDENT AND ALL ENTITIES DESCRIBED IN L.B.R. 9013-1 A.**

COME NOW Debtors, Michael and Janet Estes, in the above-captioned case, by and through their attorney, Susan E. Skelton, and for their Motion state as follows:

1. Debtors' Chapter 13 case was filed on April 9, 2013 in the Eastern District of Missouri as Case #09-43138.
2. Mrs. Estes was involved in a post-petition vehicle accident on or about September 9,

2011 and after several years the lawsuit pending from such accident (disclosed on an Amended Schedule B) has settled.

3. Debtor is entitled to funds, after attorney's fees and costs, of \$17,499.63 for her injuries and lost wages, etc.
4. Debtors would like to retain said funds, as Mrs. Estes has not been able to work as much during and since the accident and they have not been able to keep up on repairs, etc.

Debtors would like to retain the funds for the following purposes:

- a. \$6,775.23 for post-petition medical bills already incurred, as well as dental work still needed to be done, per the statements sent to the Trustee;
  - b. \$554.95 for repair work on Debtors' 2002 Chevrolet Avalance;
  - c. \$850.00 for repair work on Debtors' 2005 Ford Explorer (gifted to Debtors post-petition);
  - d. \$743.42 for new tires for Debtors SUV;
  - e. \$8,700.00 to replace Debtors deck, which is structurally unsafe; and
  - f. \$2,110.00 toward replacing Debtors' door slab and frame, which cannot be repaired and cannot be closed, causing dangerous conditions and further deterioration of Debtors' home.
5. Debtors do not believe this will prejudice creditors and will allow Debtors to maintain their property and pay their post-petition medical bills.

WHEREFORE, Debtors request an order from the Court permitting the retention of the \$17,499.63 from Mrs. Estes' insurance settlement from her personal injury for the above described expenses, and such other order which the Court may find to be just.

Dated: August 28, 2013

Respectfully Submitted,

/s/ Susan E. Skelton

Susan E. Skelton

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Attorney for Debtors

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served electronically by the ECF System or by First Class Mail, postage prepaid, this August 28, 2013 to the following:

John V. LaBarge, Jr.  
Chapter 13 Trustee  
P.O. Box 430908  
St. Louis, MO 63143

Bank of America  
475 Crosspoint Parkway  
Getzville, NY 14068

Bank of America  
4161 Piedmont Parkway  
Greensboro, NC 27410-8110

Bank Of America  
PO Box 9000  
Getzville, NY 14068

Chase  
800 Brooksedge Blvd  
Westerville, OH 43081

Cit of St. Louis  
Gregory FX Daly  
PO Box 66787  
Saint Louis, MO 63166-6787

Citi Flex  
PO Box 6241  
Sioux Falls, SD 57117

Collector of Revenue  
41 South Central  
Attn: Division of Collection  
Saint Louis, MO 63105

CPU/CBSD  
PO Box 6497  
Sioux Falls, SD 57117

Fashion Bug/SOANB  
1103 Allen Dr  
Milford, OH 45150

GEMB/JCP

PO Box 981131  
El Paso, TX 79998

GEMB/Sams Club  
PO Box 981064  
El Paso, TX 79998

GEMB/Walmart  
PO Box 981400  
El Paso, TX 79998

GMAC  
PO Box 2150  
Greeley, CO 80632

HSBC/VLCTY  
PO Box 15524  
Wilmington, DE 19850

Internal Revenue Service  
Attention: Bankruptcy Unit  
PO Box 21126  
Philadelphia, PA 19114-0326

MCYDSNB  
9111 Duke Blvd  
Mason, OH 45040

Missouri Department of Revenue  
Attn: Bankruptcy Unit  
P.O. Box 475  
Jefferson City, MO 65105

Sears/CBSD  
PO Box 6189  
Sioux Falls, SD 57117

US Bank/NA ND  
PO Box 108  
Saint Louis, MO 63166

/s/ Susan E. Skelton